



Delaware Nutrient Management

AMENDED



The Delaware Nutrient Management Commission Minutes of the Full Commission Meeting Held May 08, 2007

In attendance:

<i>Commission Members Present</i>	<i>Others Present</i>		
B. Vanderwende – Chair	G. Binford	T. Garrahan	S. Lester
D. Baker	E. Berking	P. Hansen	V. Lynch
R. Baldwin	K. Bunting-Howarth	S. Hollenbeck	J. Parsons
K. Blessing	B. Coleman	W. Hurd	J. Smith
J. Elliott	P. Diehl	S. Jordan	S. Tingle
C. Larimore	K. Donnelly	S. Kepfer	D. Wilson
J. Manchester	K. Foskey	C. Klein	
B. O'Neill			
R. Sterling			
<i>Commission Members Absent</i>	<i>Ex-officios Present</i>		
M. Adkins	W. Rohrer	G. Llewellyn	
A. Johnson	M. Cooke		
T. Keen			
C. Solberg			
C. West			

This meeting was properly notified and posted as required by law.

Call to Order/Welcome:

Chairman B. Vanderwende called the meeting to order at 7:00 p.m. and welcomed everyone in attendance. He introduced and welcomed Jim Elliott, who was re-appointed to the Commission as a representative of an environmental advocacy organization, effective May 01, 2007.

Approval of Minutes:

J. Elliott motioned to adopt the minutes of the April 10, 2007 Full Commission meeting.

B. O'Neill seconded the motion, which passed unanimously.

Discussion and Action Items:

Commercial Processors Annual Report

B. Vanderwende introduced Jim Parsons of Perdue, who gave a brief overview of their 2006 Commercial Processors Annual Report. J. Manchester asked how much pelletized fertilizer product remains in the Chesapeake drainage area. C. Klein answered that roughly 50% remains (she added that she would need to check data for exact figure). J. Manchester asked if Nitrogen and Phosphorus levels have decreased after one-year cleanouts. S. Lester responded that those levels have not decreased significantly. J. Manchester stated that with regard to Nitrogen to Phosphorus ratio – not much change has occurred. S. Lester said that Nitrogen has not come down – and they have not seen a change in Nitrogen or Phosphorus. J. Manchester asked for summary of Phytase analysis

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from pre-Phytase use to present. D. Baker pointed out a mathematical error on Page 6, Item C...which affected reported tonnage. *Perdue has submitted a corrected copy of their Report, which is attached to the minutes.*

B. Vanderwende then introduced J. Smith of Mountaire, who gave a summary of their Annual Commercial Processors Report.

Research and Demonstration Presentation (G. Binford, University of Delaware)

B. Vanderwende introduced Greg Binford, who gave a PowerPoint presentation on research and demonstration projects currently being undertaken by the University of Delaware. Jack Manchester requested that the following points be included in the minutes:

- The plots show that a higher yield was obtained in those plots that had poultry litter applied to them, as compared to other plots that had the same nitrogen but no chicken litter.
- Even though there was no application of poultry litter for the next five years, there was still a yield increase in those plots that had poultry litter application.

Review and act on Water Quality Cooperative Agreement for Alternative Use and Relocation Projects:

B. Rohrer summarized the Agreement (attached to minutes), and asked that the Commission approve the basic language and intent of the document. He noted that there will be minor corrections to the document, which do not affect intent. D. Baker pointed out that this is an annual program and questioned the need for language allowing termination of agreement with 60-day notice. B. Rohrer responded that this document was provided by another agency. D. Baker stated that it contradicts intent, and that he would like to see it lined out. B. Rohrer said that he will approach the agency that supplied the document. J. Elliott stated that the document requires eight signatures and inquired who signs first, and timeframe for signatures. B. Rohrer responded that there would likely be a signatory event, with media coverage. J. Manchester asked if Perdue would be covered under Perdue AgriRecycle. B. Rohrer answered that they would, and added that Allen's and Mountaire do not have bona fide alternative use projects.

D. Baker motioned to approve Water Quality Cooperative Agreement for Alternative Use and Relocation Projects, with minor language changes.

J. Manchester seconded the motion, which passed unanimously.

Review and Act on EPA Farm Inspections

B. Rohrer explained that the Agenda should have read *Update EPA Farm Inspections*. He referred to the summary of inspections found on the back of the Administrator's Report (attached to minutes). There were a total of 11 site inspections, 7 of which an EPA report is expected. He explained that 45 samples – most of which were water samples – were taken from 5 farm sites and sent to DNREC for analysis (in addition to being taken by EPA). Soil and manure samples were sent to DDA labs for analysis (in addition to being taken by EPA). Preliminary reports show that the samples look okay – there were no major flags. J. Manchester asked if any EPA reports have been received. B. Rohrer answered no. He added that DNMP staff visited each farm and gave recommendations, not necessary for compliance, but to bring farms closer to an environmental stewardship operation. K. Donnelly stated that he prefers that any discussion of water test results be held in Executive Session, and asked that these discussions do not take place prior to EPA response. He stated that out of 96 samples, only 1 exceeds published EPA standards. He added that he has not received any communication from EPA, either formal or informal, written, verbal or email. He said that preliminary results are good, if not excellent. J. Elliott pointed out that unannounced EPA inspections bother him. He feels that EPA should not visit any personal property unannounced. B. Rohrer explained to him that DNMC has taken action to stop unannounced EPA visits. He summarized how the Cabinet Secretaries from DNREC and DDA met with EPA; now 48-hour notice is required, a 30-day status report is expected, and EPA provided CAFO checklist, according to the agreement with EPA. B. Vanderwende added that the Delaware Farm Bureau also objects to unannounced visits as well, particularly non-CAFO operations. K. Blessing asked why the EPA inspected the 4 farms that adjoined one inspected property. B. Rohrer explained that they were owned by the same individual, and therefore, EPA deemed cause to inspect. D. Baker pointed out that exemplary test results would further validate our program. B. Vanderwende cautioned that two different labs are being used for analysis of samples. K. Donnelly noted that his (DNREC) labs are certified by the EPA, and their results will stand up under EPA scrutiny. B. Rohrer asked where is equity in other states? Why is EPA paying so much attention to Delaware? B. O'Neill asked if they are still conducting inspections in Maryland.

B. Rohrer responded that he is only aware of 1 Maryland inspection, which occurred around the same date as the first Delaware inspection.

Review and Act on April 1 Draft Certification Regulation

B. Rohrer explained that there had been Public Hearings held in September, 2006. There was an additional period of public comment April 1-30, 2007. No public comments were received during this period. He pointed out the definitions to be added to the Regulation, and read the new Paragraph 6 into the record. (Attached to minutes). He noted that the next step would be signature by Secretary Scuse, and the Regulation would then become effective June 10.

J. Elliott motioned to accept Regulation as written.

B. O'Neill seconded the motion, which passed unanimously.

Review and Act on September 1 Draft Regulation

B. Rohrer noted that approval of this Regulation had been postponed until approval of Certification Regulation.

B. O'Neill moved to accept Regulation as written.

R. Baldwin seconded the motion, which passed unanimously.

Review and Act on April 25 Formal Complaint

B. Rohrer explained that a Formal Complaint is any complaint received in writing, directed to the Program Administrator. There is a regulatory obligation to investigate, and to provide findings and recommendations to the Commission. He then summarized the complaint (protecting identity) and recommended that the complaint be dismissed. He added that the complainant must become certified and establish recordkeeping procedures. D. Baker asked if they were cooperative, and if they were not aware of the program. B. Rohrer responded that they were very cooperative, and had no knowledge of the program prior to staff contact with regard to the complaint.

D. Baker motioned to accept recommendation and to dismiss complaint.

C. Larimore seconded the motion, which passed unanimously.

Subcommittee Reports:

Since T. Keen, the Chair of the Technology Subcommittee was not present, B. Rohrer gave an overview of the prior Technology meeting. J. Manchester asked if Dr. Sims' report has been received. B. Rohrer answered that it has not, but it is expected any day. He also said he will follow up with Dr. Sims to see what his timeline is. J. Manchester asked about the progress of the letter to be written by K. Donnelly.

Since C. Solberg, the Chair of the Program and Education Subcommittee was not present, B. Rohrer gave an overview of the prior Program and Education meeting. J. Manchester asked if G. Binford was working up a proposal to present to the Subcommittee. G. Binford responded that he was, and asked when the next meeting would be held. B. Rohrer stated as soon as it is practical.

Administrator's Report: *Refer to the attached Administrator's Report*

B. Rohrer explained the Administrator's Report.

Public Comments: None

Next Meeting: Tuesday, June 12, 2007 at 7:00 p.m.

Adjournment: Chairman Vanderwende adjourned the meeting at 8:47 p.m.

Approved,

William Vanderwende, Chair
Delaware Nutrient Management Commission

BRR/psd